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10/780,050	02/17/2004	Gregory L. Horne	1707JB.036732	9683

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EXAMINER

NGUYEN, DUC MINH

ART UNIT	PAPER NUMBER
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2643

DATE MAILED: 02/08/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

10/780,050

Applicant(s)

HORNE, GREGORY L.

Examiner

Duc Nguyen

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☐ Responsive to communication(s) filed on ____.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-5 and 20-30 is/are pending in the application.
- 4a) Of the above claim(s) ____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) ____ is/are allowed.
- 6) ☒ Claim(s) 1-5 and 20-30 is/are rejected.
- 7) ☐ Claim(s) ____ is/are objected to.
- 8) ☐ Claim(s) ____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on ____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. ____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- ☒ Notice of References Cited (PTO-892)
- ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date ____.
- ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. ____.
- ☐ Notice of Informal Patent Application (PTO-152)
- ☐ Other: ____.

DETAILED ACTION

Claim Rejections - 35 USC § 102

1. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in a patent granted on an application for patent by another filed in the United States before the invention thereof by the applicant for patent, or on an international application by another who has fulfilled the requirements of paragraphs (1), (2), and (4) of section 371(c) of this title before the invention thereof by the applicant for patent.

The changes made to 35 U.S.C. 102(e) by the American Inventors Protection Act of 1999 (AIPA) and the Intellectual Property and High Technology Technical Amendments Act of 2002 do not apply when the reference is a U.S. patent resulting directly or indirectly from an international application filed before November 29, 2000. Therefore, the prior art date of the reference is determined under 35 U.S.C. 102(e) prior to the amendment by the AIPA (pre-AIPA 35 U.S.C. 102(e)).

2. Claims 1, 4-5, 20, 23-26, and 27-28 are rejected under 35 U.S.C. 102(e) as being anticipated by Tatchell et al (5,905,774).

Consider claims 1, 5. Tatchell teaches a method of identifying incoming calls, comprising responsive to detecting an incoming call (step 86, fig(s). 8a), determining caller ID information (step 89, CLID, fig(s). 8a) associated with the incoming call without allowing an audible indicator of the incoming call to sound (at the subscriber's terminal); comparing the caller ID information associated with the incoming call with caller id information for allowable calling parties (i.e., any caller id that matches with one stored in a call screening and

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prioritization list, column(s) 20, line(s) 39 to column(s) 21, line(s) 40; or contact database, column(s) 21, line(s) 9-20); capturing the caller id information (steps 103-106, fig(s). 8b); responsive to determining a match between the caller id information associated with the incoming call and caller id information for an allowable calling party, allowing the audible indicator of the incoming call to sound (steps 108-112, fig(s). 8c); and retransmitting the caller id information (i.e., audible caller id, in the case) immediately after allowing the audible indicator of the incoming call to sound (steps 113, 115, 116 and 119, fig(s). 8d).

Consider claim 4. Tatchell further teaches responsive to determining no match between the caller id information associated with the incoming call and caller id information for an allowable calling party, passing the incoming call to an answering machine without allowing the audible indicator of the incoming call to sound (column(s) 18, line(s) 39 to column(s) 19, line(s) 25).

Consider claim 20. Tatchell teaches a method of identifying incoming calls, comprising responsive to detecting an incoming call (step 86, fig(s). 8a), determining caller ID information (step 89, CLID, fig(s). 8a) associated with the incoming call without allowing an audible indicator of the incoming call to sound (at the subscriber's terminal); comparing the caller ID information associated with the incoming call with caller id information for allowable calling parties (i.e., any caller id that matches with one stored in a call screening and prioritization list, column(s) 20, line(s) 39 to column(s) 21, line(s) 40; or contact database, column(s) 21, line(s) 9-20); capturing the caller id information (steps 103-106, fig(s). 8b); responsive to determining a match between the caller id information associated with the incoming call and caller id information for an allowable calling party, allowing the audible indicator of the incoming call to

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sound (steps 108-112, fig(s). 8c); and retransmitting the caller id information (i.e., audible caller id, in the case) immediately after allowing the audible indicator of the incoming call to sound (steps 113, 115, 116 and 119, fig(s). 8d). Tatchell further discloses a local exchange (telephone switching center 10, a switching network 13, and a controller 16 and/or 11, see fig(s). 1).

Consider claims 23-25. Tatchell further teaches identifying a communications device within a plurality of communications devices to which the incoming call should be routed (steps 94-100, fig(s). 8b and steps 108-112, fig(s). 8c); and passing ring signals associated with the incoming call to the identified communications device (steps 108-112, fig(s). 8c).

Consider claim 26. Column(s) 19, line(s) 51 through column(s) 20, line(s) 38 reads on the limitations of this claim.

Consider claims 27-28. Tatchell teaches a method of identifying incoming calls, comprising responsive to detecting an incoming call (step 86, fig(s). 8a), determining caller ID information (step 89, CLID, fig(s). 8a) associated with the incoming call without allowing an audible indicator of the incoming call to sound (at the subscriber's terminal); comparing the caller ID information associated with the incoming call with caller id information for allowable calling parties (i.e., any caller id that matches with one stored in a call screening and prioritization list, column(s) 20, line(s) 39 to column(s) 21, line(s) 40; or contact database, column(s) 21, line(s) 9-20); capturing the caller id information (steps 103-106, fig(s). 8b); responsive to determining a match between the caller id information associated with the incoming call and caller id information for an allowable calling party, allowing the audible indicator of the incoming call to sound (steps 108-112, fig(s). 8c); and retransmitting the caller id information (i.e., audible caller id, in the case) immediately after allowing the audible indicator

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of the incoming call to sound (steps 113, 115, 116 and 119, fig(s). 8d). Tatchell further teaches responsive to determining no match between the caller id information associated with the incoming call and caller id information for an allowable calling party, passing the incoming call to an answering machine without allowing the audible indicator of the incoming call to sound (column(s) 18, line(s) 39 to column(s) 19, line(s) 25).

3. Claims 2-3, 21-22, 29-30 are rejected under 35 U.S.C. 103(a) as being obvious over Tatchell et al (5,905,774) in view of Bushnell (6,289,084).

Consider claims 2-3, 21-22, 30. Tatchell teaches a method of identifying incoming calls, comprising responsive to detecting an incoming call (step 86, fig(s). 8a), determining caller ID information (step 89, CLID, fig(s). 8a) associated with the incoming call without allowing an audible indicator of the incoming call to sound (at the subscriber's terminal); comparing the caller ID information associated with the incoming call with caller id information for allowable calling parties (i.e., any caller id that matches with one stored in a call screening and prioritization list, column(s) 20, line(s) 39 to column(s) 21, line(s) 40; or contact database, column(s) 21, line(s) 9-20); capturing the caller id information (steps 103-106, fig(s). 8b); responsive to determining a match between the caller id information associated with the incoming call and caller id information for an allowable calling party, allowing the audible indicator of the incoming call to sound (steps 108-112, fig(s). 8c); and retransmitting the caller id information (i.e., audible caller id, in the case) immediately after allowing the audible indicator of the incoming call to sound (steps 113, 115, 116 and 119, fig(s). 8d). However, Tatchell does

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not teach that the step of determining caller identification information occurs at a customer premises location.

Bushnell teaches that the step of determining caller identification information occurs at a customer premises location (abstract; see figure(s) 5, column(s) 1, line(s) 64 through column(s) 3, line(s) 17) for the purpose of providing personal telecommunication incoming call screening and alerting (column(s) 1, line(s) 15-19).

Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to utilize the teachings of Bushnell into the teachings of Tatchell for the purpose mentioned above.

Consider claim 29. Bushnell further teaches visually indicating to a user of the presence of the incoming call (column(s) 10, line(s)) for the purpose of avoiding to answer unwanted or otherwise undesirable telephone calls (column(s) 1, line(s) 20-27).

Response to Arguments

4. Applicant's arguments filed 11/14/05 have been fully considered but they are not persuasive.

Regarding the Tatchell reference, applicant states that the Tatchell reference fails to teach or suggest determining a match between the caller identification information for an allowable calling party, selectively controlling a default made by a user.	In contrast to applicant's assertions, Tatchell teaches a determination is made at block 103 of whether the calling line ID of the caller is in the contact database. If the calling line ID is in the contact database of the subscriber, the personal agent announces at block 104 the
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	calling party upon the subscriber going off hook (figure(s) 8a-d, column(s) 20, line(s). 52-54; column(s) 21, line(s). 9-14). An allowable calling party is a calling line ID that is listed in the contact database. Noted that the above disposition options are predefined by the subscriber, in this case, by the called party (column(s) 17, line(s) 45 through column(s) 19, line(s) 33).
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Conclusion

5. **THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).


A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

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6. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Duc Nguyen whose telephone number is (571) 272-7503. The examiner can normally be reached on 7:00AM-3:30PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Kuntz Curtis can be reached on 571-272-7499. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).


Duc Nguyen
Primary Examiner
Art Unit 2643

2/4/06